

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

HARRY WILEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

Case No: 2:25-cv-00227

ROBERT F. KENNEDY, JR., in his official
Capacity as Secretary of Health and Human
Services, and U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

**DEFENDANTS' MOTION TO QUASH SUBPOENA DUCES
TECUM ISSUED FOR DAVID WEISSMAN, M.D.**

Pursuant to Rules 26, 34, 37, and 45 of the Federal Rules of Civil Procedure and
applicable federal law, Defendants move to quash the subpoena duces tecum issued for David
Weissman, M.D., on the following grounds:

1. The subpoena duces tecum was not properly served on or delivered to David Weissman, M.D., in accordance with Fed. R. Civ. P. 45(b);
2. The subpoena duces tecum was an attempt to circumvent the requirements of Fed. R. Civ. P. 34;
3. No notice or copy of the subpoena duces tecum was served on Defendants before an attempt was made to serve the subpoena duces tecum on David Weissman, M.D., as required by Fed. R. Civ. P. 45(a)(4);

4. The subpoena duces tecum should also be quashed under Fed.R.Civ.P. 45(d)(3)(A) because Plaintiff did not allow the Defendants a reasonable time to respond and potentially comply;

5. The documents being requested by the subpoena duces tecum potentially involve documents that are protected from disclosure by the deliberative process privilege, the attorney-client privilege, and other potential governmental privileges; and

6. The subpoena duces tecum is otherwise invalid under federal law.

7. A copy of the subpoena duces tecum issued for David Weissman, M.D., is attached as Exhibit 1 to this motion.

8. A copy of the subpoena issued for Anthony Scott Laney, which was received by David Weissman, M.D., is attached as Exhibit 2.

Therefore, Defendants respectfully request that the subpoena duces tecum issued for David Weissman, M.D., be quashed and that Defendants be granted such other and further relief as deemed appropriate by the Court.

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2025, I electronically filed the foregoing **DEFENDANTS' MOTION TO QUASH SUBPOENA DUCES TECUM ISSUED FOR DAVID WEISSMAN, M.D.** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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